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## AGENDA

### Planning & Zoning Commission

Thursday, December 9, 2021

Regular Meeting

8:00 PM

- I. Call to Order
- II. Pledge of Allegiance to the Flag
- III. Roll Call
- IV. Approval of Minutes
  1. 11-10-21 Meeting Minutes
- V. Oath to tell the truth
- VI. Changes to the Agenda (requests for postponements, withdrawals, or change in order of cases)
- VII. New Cases:
  - CASE 1: PZ-21-049 - Norwich Street LLC property - 5271 Norwich Street**  
**Norwich Street LLC property – 5271 Norwich Street**  
**PARCEL NUMBER:** 050-000200  
**APPLICANT:** Norwich Street LLC, c/o Karen Zappitelli, 4758 Hayden Boulevard, Columbus, OH 43221.  
**REQUEST:** Review & approval of an Old Hilliard District Plan under the provisions of Hilliard Code Section 1115.05(b) for exterior building materials and colors.
  - CASE 2: PZ-21-050 - Westwood Fieldhouse - 3932 Brown Park Drive**  
**Westwood Fieldhouse – 3932 Brown Park Drive**  
**PARCEL NUMBER:** 050-003009  
**APPLICANT:** Westwood Fieldhouse LTD, c/o Andy Warnock, 3523 Goldenrod Street, Hilliard, OH 43026.  
**REQUEST:** Review & approval of a sign variance under the provisions of Hilliard Code Section 1129.08 to permit a signage plan consisting of three wall signs and one ground sign.
  - CASE 3: PZ-21-052 - Zoning Code Amendment**  
**Zoning Code Amendment**  
**APPLICANT:** City of Hilliard, c/o John Talentino, 3800 Municipal Way, Hilliard, OH 43026.  
**REQUEST:** Review & approval of a Zoning Code amendment to Chapter 1105 concerning definitions, Chapter 1111 concerning permitted uses in the business districts, and Section 1123.18 concerning standards for conditional uses.



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## **Planning & Zoning Commission**

December 9, 2021  
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Agenda  
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**VIII. Chairman's Communication**

**IX. Committee Communication**

**X. Adjournment**



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## MINUTES

### Planning & Zoning Commission

Wednesday, November 10, 2021

### Regular Meeting

7:00 PM

#### Call to Order

Chair Chris Lewie called the Regular Meeting of the Planning & Zoning Commission to order at 7:00 PM.

#### Pledge of Allegiance to the Flag

#### Roll Call

Attendee Name:	Title:	Status:
Chris Lewie	Chair	Present
Bill Uttley	Vice Chair	Present
Tracey Nixon	Board Member	Present
Tom Pannett	Board Member	Present
Bevan Schneck	Board Member	Present

**Staff Members Present:** Assistant City Manager Dan Ralley and City Planner John Talentino

**Others Present:** Applicants Karen and Jim Sturgill and Surveyor Robert Foster, representing the applicants

#### Approval of Minutes

Chairman Lewie asked if there were any changes or corrections to the October 14, 2021, P&Z Meeting minutes. Hearing none, the minutes were approved as submitted by Voice Vote.

<b>STATUS:</b>	Accepted
<b>AYES:</b>	Lewie, Uttley, Nixon, Pannett, Schneck

#### Oath to tell the truth

**Changes to the Agenda (requests for postponements, withdrawals, or change in order of cases) - None**

**Reconsideration Case - None**

**Postponed Cases - None**

#### New Cases

**CASE 1: PZ-21-048 - Sturgill property lot split - 3240 Alton Darby Road**

**PARCEL NUMBER:** 050-010786

**APPLICANT:** Karen Sturgill, 3240 Alton Darby Road, Hilliard, OH 43026.

**REQUEST:** Review & approval of a lot split under the provisions of Hilliard Code Section 1188.05.

Mr. Talentino presented the staff report.

#### **BACKGROUND:**

The site is 4.72 acres located on the east side of Alton Darby Road approximately 200 feet north of Strider Lane. The site is zoned R-R, Rural Residential District. It is developed with a single-family house with a detached garage. To the north, east, and south are single-family residences within the Lakewood subdivision zoned PUD. To the west, across Alton Darby Road, are residential estate lots within Brown Township. The applicant is requesting approval of a lot split resulting in two parcels.

Minutes Acceptance: Minutes of Nov 10, 2021 8:00 PM (Approval of Minutes)



## Planning & Zoning Commission

November 10, 2021  
Regular Meeting  
Minutes  
Page 2

### STAFF RECOMMENDATION:

Staff finds that the proposal is consistent with the provisions of the Zoning Code. Based on this finding, staff recommends that the proposed lot split be approved with the following 2 conditions:

- 1) That the legal descriptions and exhibits for both resulting parcels are provided subject to the approval of the City Engineer; and
- 2) That evidence of recordation of the lot split is provided to staff.

### CONSIDERATIONS:

- The site has 304.66 feet of frontage on Alton Darby Road.
- The R-R zoning district has the following development standards: minimum 100,000-square-foot lot area; minimum 150-foot lot width; maximum 35-foot building height; minimum 40-foot front yard setback; minimum 15-foot side yard setback; minimum 35-foot total side yard setbacks; minimum 40-foot rear yard setback; maximum 25 percent lot coverage; minimum 1,800-square-foot floor area for 1-story dwelling; and minimum 2,000-square-foot floor area for 2-story dwelling.
- The proposal is to split the site into two parcels. The proposed northern parcel will be approximately 2.369 acres and will have approximately 152 feet of frontage along Alton Darby Road. The proposed southern parcel will be approximately 2.351 acres and will have approximately 152 feet of frontage along Alton Darby Road. The existing house will be on the southern property and will have the following approximate setbacks: 235 feet from the Alton Darby Road right-of-way line; 40 feet from the south property line; 370 feet from the east property line; and 70 feet from the north property line.

Surveyor Robert Foster, representing the applicants, was present. Mr. Foster explained that both resulting parcels will be equal in size at 2.365 acres.

Chairman Lewie asked about the location of the existing septic system. Ms. Sturgill explained that the septic system was removed when the house was connected to public sanitary sewer.

Mr. Uttley, seconded by Chairman Lewie, moved to approve of the proposed lot split with two conditions:

- 1) That the legal descriptions and exhibits for both resulting parcels are provided, subject to the approval of the City Engineer; and
- 2) That evidence of recordation of the lot split is provided to staff.

<b>STATUS:</b>	Approved with the above conditions
<b>MOVER:</b>	Bill Uttley
<b>SECONDER:</b>	Chris Lewie
<b>AYES:</b>	Lewie, Uttley, Nixon, Pannett, Schneck
<b>EXCUSED:</b>	Eric Gutkencht, Jay Muether

**Chairman's Communication** – None

**Committee Communication** - None

**Adjournment** – 7:12 PM

**Approved:**

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**Acting Clerk**

Minutes Acceptance: Minutes of Nov 10, 2021 8:00 PM (Approval of Minutes)



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**STAFF REPORT  
PLANNING & ZONING COMMISSION  
DECEMBER 9, 2021**

**CASE 1: PZ-21-049 – Norwich Street LLC property - 5271 Norwich  
Norwich Street LLC property – 5271 Norwich Street**

**PARCEL NUMBER:** 050-000200

**APPLICANT:** Norwich Street LLC, c/o Karen Zappitelli, 4758 Hayden Boulevard, Columbus, OH 43221.

**REQUEST:** Review & approval of an Old Hilliard District Plan under the provisions of Hilliard Code Section 1115.05(b) for exterior building materials and colors.

**BACKGROUND:**

The site is 0.15 acre located on the southwest side of Norwich Street approximately 100 feet northwest of Columbia Street. The site has an existing house which was converted to office use years ago and a detached garage. Franklin County Auditor information indicates the building was constructed in 1935 and has 1,696 square feet of finished floor area. The applicant is requesting approval of an Old Hilliard District Plan for exterior building materials and colors.

**COMMISSION ROLE:**

The Commission is to review the proposal for conformance to the provisions of Hilliard Code Section 1115.05(b).

**STAFF RECOMMENDATION:**

Staff finds the proposed vinyl siding, as specified in the conditions listed below, is consistent with the intent of the provisions of Hilliard Code Section 1115.05(b). Based on these findings, staff recommends approval with the following 2 conditions:

- 1) That the vinyl siding is limited to the white color as proposed, unless otherwise approved by the Planning and Zoning Commission; and
- 2) That the white vinyl siding is permitted on the gables of the garage only, unless otherwise approved by the Planning and Zoning Commission.

**CONSIDERATIONS:**

- The site and surrounding properties are zoned OH-MD, Old Hilliard Mixed Use District.
- Hilliard Code Section 1115.05(b)(2) lists the following permitted building materials for the Old Hilliard District: brick; stone veneer, cultured or natural; insulated glazing and framing systems; architectural pre-cast concrete; architectural concrete; factory finished, standing seam metal roofing (for application to pitched roof systems only); EIFS (not permitted on first story façades and no more than 20 percent of the upper story façades); architectural metal as building accent only; and wood.

- Highly reflective materials such as bright aluminum or metal are not permitted as the primary building material. Smooth faced concrete block, tilt-up panels, or metal siding is prohibited on any façade facing a street and not to exceed more than 25 percent of any other façade.
- Colors shall be neutral and natural tones with low reflectivity. Accent and trim colors must complement the effect of the primary building color. Bold, brash, intense, bright, fluorescent, black or metallic accent colors are prohibited, unless approved by the Planning and Zoning Commission.
- While subdued or muted colors generally work best as a dominant, overall color, a brighter color may be appropriate for accent elements, such as door and window frames, and architectural details. All exterior colors should be subdued, with strong colors such as reds, blues, and golds, etc., should only be applied to trim and accent elements.
- The existing garage has a gambrel roof. The applicant is proposing to use white vinyl siding on the northwest gable of the detached garage.



Attachment: PZ-21-49-Photos (PZ-21-049 : Norwich Street LLC property - 5271 Norwich)



Attachment: PZ-21-49-Photos (PZ-21-049 : Norwich Street LLC property - 5271 Norwich)



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**STAFF REPORT  
PLANNING & ZONING COMMISSION  
DECEMBER 9, 2021**

**CASE 2: PZ-21-050 – Westwood Fieldhouse - 3932 Brown Park Drive  
Westwood Fieldhouse – 3932 Brown Park Drive**

**PARCEL NUMBER:** 050-003009

**APPLICANT:** Westwood Fieldhouse LTD, c/o Andy Warnock, 3523 Goldenrod Street, Hilliard, OH 43026.

**REQUEST:** Review & approval of a sign variance under the provisions of Hilliard Code Section 1129.08 to permit a signage plan consisting of three wall signs and one ground sign.

**BACKGROUND:**

The site is 1.033 acres located on the east side of Brown Park Drive approximately 400 feet north of Cemetery Road. The site and properties to the south, west, and north are zoned B-2, Community Business District. To the east is Life Community Church zoned B-3, Office/Institutional District. On September 10, 2020, the Planning and Zoning Commission approved a lot split, a Level “B” Site Plan, a conditional use to permit an indoor recreation facility, and a sign variance for two wall signs and one ground sign. The applicant is now requesting a sign variance for an updated signage plan consisting of three wall signs and one ground sign.

**COMMISSION ROLE:**

The Commission is to review the proposal for conformance to the provisions of Hilliard Zoning Code Section 1129.08.

**STAFF RECOMMENDATION:**

Staff finds that the proposed sign variance is not substantial and is consistent with the intent of the Sign Code to provide readable signs that are harmonious with their surroundings and provide reasonable identification for this facility. Based on these findings, staff recommends that the proposed sign variance is approved with the following 6 conditions:

- 1) That the wall sign on the west building elevation is limited to a maximum of 371.4 square feet in area as measured per Code and a maximum of 193.8 square feet when individual sign elements are measured separately, subject to staff approval;
- 2) That the wall sign on the south building elevation above the main entrance is limited to a maximum of 110.4 square feet as measured per Code and a maximum of 80.3 square feet when individual sign elements are measured separately, subject to staff approval;
- 3) That the wall sign on the south building elevation on the east end of the building is limited to a maximum of 213.2 square feet in area as measured per Code and a

maximum of 110.3 square feet when individual sign elements are measured separately, subject to staff approval;

- 4) That the proposed ground sign is limited to a maximum height of 6 feet and a maximum size of 10.8 square feet;
- 5) That any sign lighting meets the provisions of the Sign Code; and
- 6) That sign permits demonstrating conformance to the above conditions are obtained prior to installation.

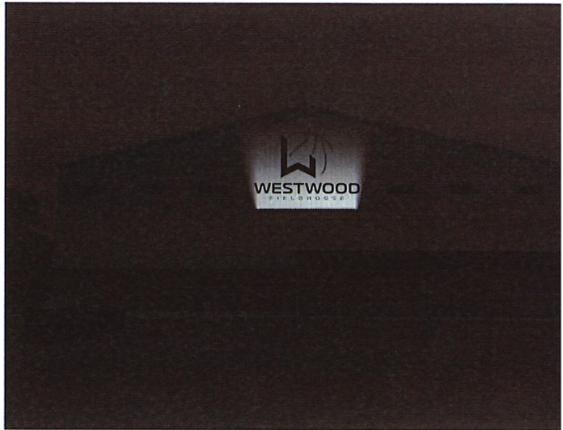
#### **CONSIDERATIONS:**

- The site has 150 feet of frontage along Brown Park Drive. It is developed with an approximately 17,000-square-foot building for indoor commercial recreation. To the south is a multi-tenant commercial building. To the north are office buildings. To the west, across Brown Park Drive, are commercial businesses. To the east is Life Community Church zoned B-3, Office/Institutional District.
- The following signage is proposed:
  - 1) 371.4-square-foot externally illuminated wall sign featuring logo and “Westwood Fieldhouse” in text on the west (front) building elevation facing Brown Park Drive. Proposed colors are black and dark gray on a light gray background. The west elevation is 113.5 feet in length. When measured separately, the individual elements (logo and 2 text portions) of the proposed sign total 193.8 square feet in area.
  - 2) 110.4-square-foot, externally illuminated wall sign featuring “Westwood Fieldhouse” in text on the south building elevation over the main entrance. The south elevation is 159 feet in length. Proposed colors are black and dark gray on a light gray background. When measured separately, the individual text portions of the proposed sign total 80.3 square feet in area.
  - 3) 213.2-square-foot, externally illuminated wall sign featuring logo and “Westwood Fieldhouse” in text on the east end of the south building elevation facing Cemetery Road. Proposed colors are black and dark gray on a light gray background. When measured separately, the three individual elements (logo and 2 text portions) of the proposed sign total 110.3 square feet in area.
  - 4) 5-foot-tall, approximately 10.8-square-foot, non-illuminated ground sign featuring two posts located 8 feet from the right-of-way line near the Brown Park Drive entrance. The sign features the street number which does not count toward the area of the sign face. Proposed colors are black, dark gray, and white.



- Black
- PMS Cool Gray 9
- Light bar to be painted to match existing building siding color, TBD

Night View



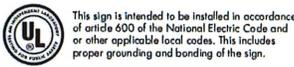
- 1** 1/4" thick routed aluminum logo mounted flush to corrugated building siding. Uplighting installed to illuminate sign. Dimensions subject to change, Morrison to survey space prior to production. Sign is 371.35 sq ft



Attachment: PZ-21-50-Plans (PZ-21-050 : Westwood Fieldhouse - 3932 Brown Park Drive)

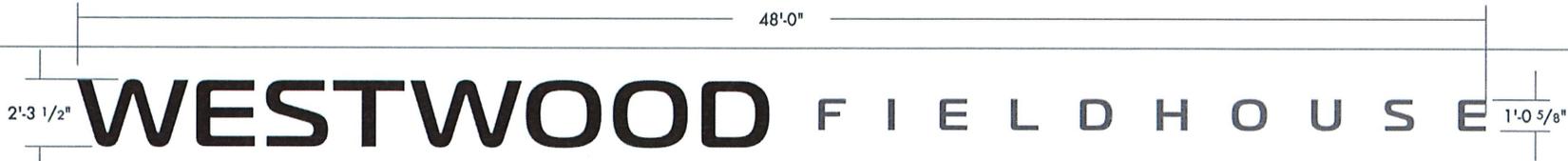


Client: Westwood Collective Drawing Date: 11-04-21  
 Project: Westwood Fieldhouse Drawing #: 21-813 SP: JN D: AW



Copy, colors, size, quantity  
**APPROVAL:**  
 Client Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This design is the property of Morrison Sign Company, Inc and remains our property until sign is purchased. Design may be purchased for a sum of Two Hundred and Fifty dollars (\$250.00) and is protected by U.S. copyright law. Any attempt to reproduce this design or use by others for any purpose, without written consent is subject to prosecution to the fullest extent allowed by law.

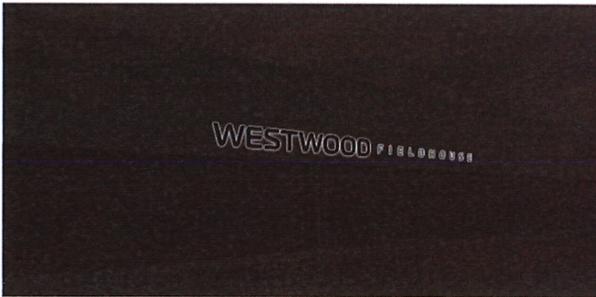


2

3" Halo-Lit channel letters, mounted with spacers to building fascia.  
All letters have opaque aluminum faces and white halo lighting.  
Sign is 110.4 sq ft

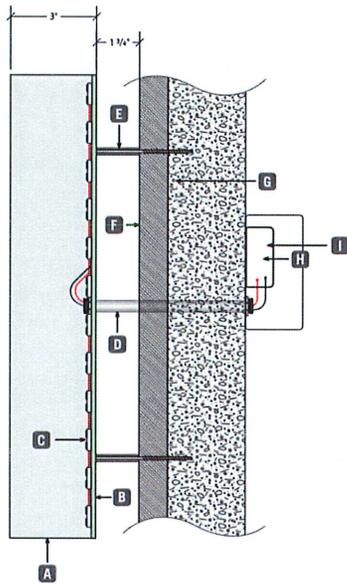
- Black
- PMS Cool Gray 9

Night View



HALO LIT CHANNEL LETTERS

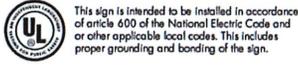
- A 3" DEEP REVERSE CHANNEL LETTER
- B 3/16" WHITE POLYCARBONATE LETTER BACKS
- C WHITE LED MODULES AS REQ'D
- D PVC PASS-THROUGH FOR LOW VOLTAGE WIRE
- E 3/8" X 6" SIMPSON STRONG TIES MIN 3 PER LETTER
- F CORRUGATED FASCIA
- G PLYWOOD BLOCKING AS NECESSARY
- H CLASS W LED POWER SUPPLY
- I BACK UP RACEWAY PAINTED TO MATCH BUILDING INTERIOR (4" HIGH X 2.5" DEEP)



Attachment: PZ-21-50-Plans (PZ-21-050 : Westwood Fieldhouse - 3932 Brown Park Drive)

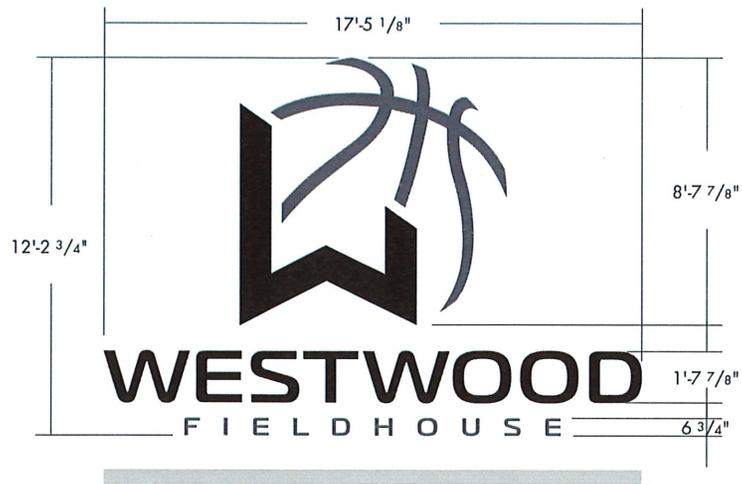


Client: Westwood Collective Drawing Date: 11-04-21  
Project: Westwood Fieldhouse Drawing #: 21-813 SP: JIN D: AW



Copy, colors, size, quantity  
**APPROVAL:**  
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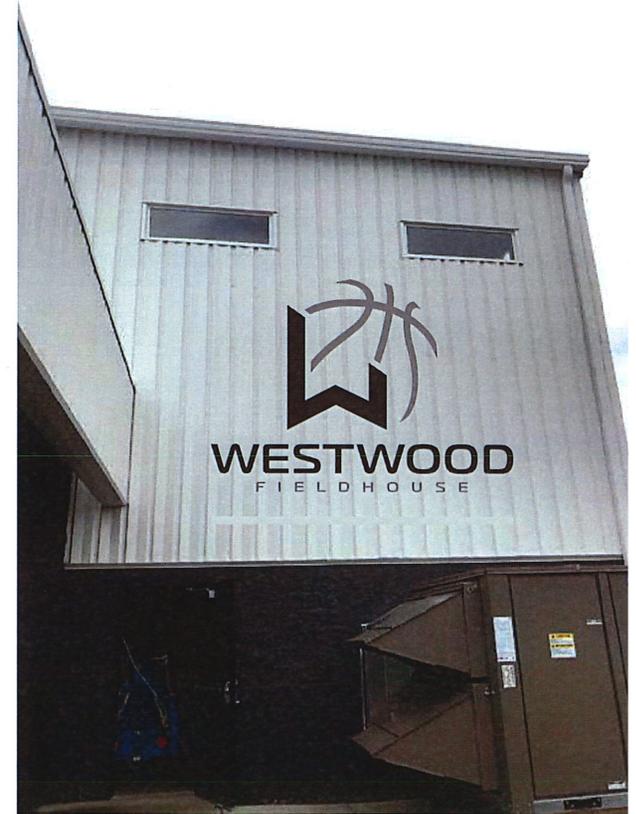
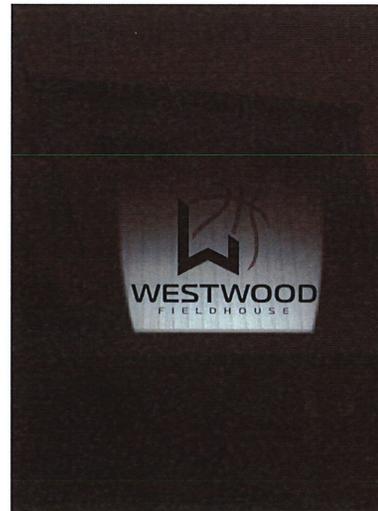
3

Night View

1/4" thick routed aluminum logo mounted flush to corrugated building siding.  
 Uplighting installed to illuminate sign.  
 Dimensions subject to change, Morrison to survey space prior to production.

Sign is 213.19 sq ft

- Black
- PMS Cool Gray 9
- Light bar to be painted to match existing building siding color, TBD



Attachment: PZ-21-50-Plans (PZ-21-050 : Westwood Fieldhouse - 3932 Brown Park Drive)



Client: Westwood Collective  
 Project: Westwood Fieldhouse

Drawing Date: 11-04-21  
 Drawing #: 21-813 SP: JN D: AW



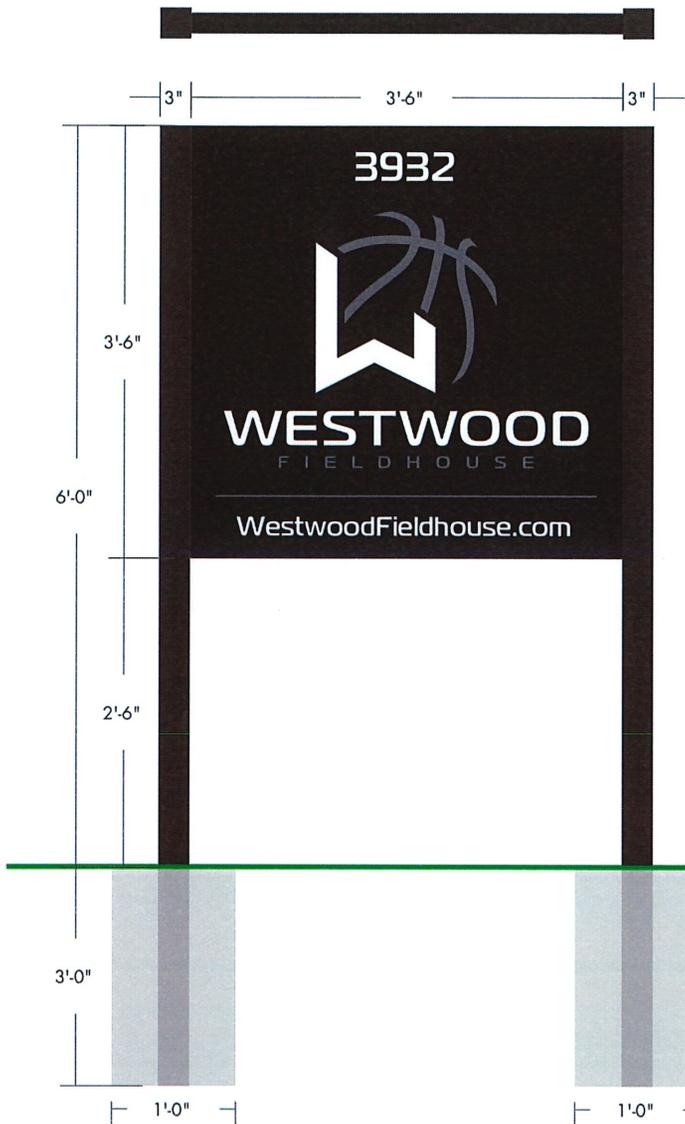
This sign is intended to be installed in accordance of article 600 of the National Electric Code and or other applicable local codes. This includes proper grounding and bonding of the sign.

Copy, colors, size, quantity

**APPROVAL:**

Client Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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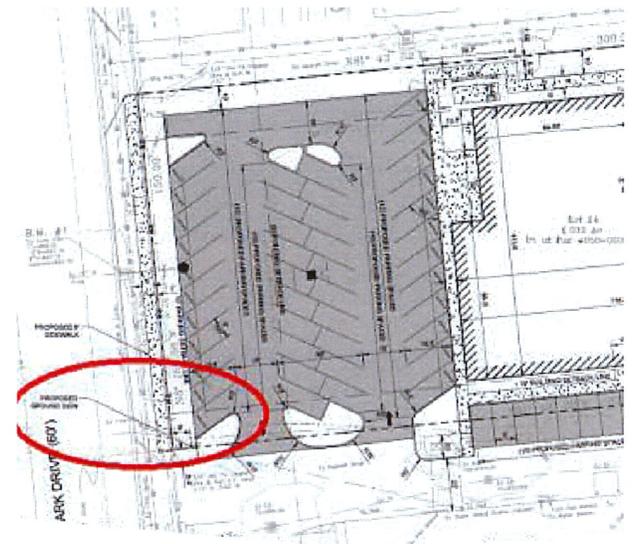


4

3" square aluminum posts with 2" deep aluminum cabinet, non-illuminated. vinyl graphics applied to both sides of sign face.

Sign is 10.5 sq ft

- Black
- PMS Cool Gray 9
- White



Attachment: PZ-21-50-Plans (PZ-21-050 : Westwood Fieldhouse - 3932 Brown Park Drive)



Client: Westwood Collective Drawing Date: 11-04-21  
 Project: Westwood Fieldhouse Drawing #: 21-813 SP: JN D: AW



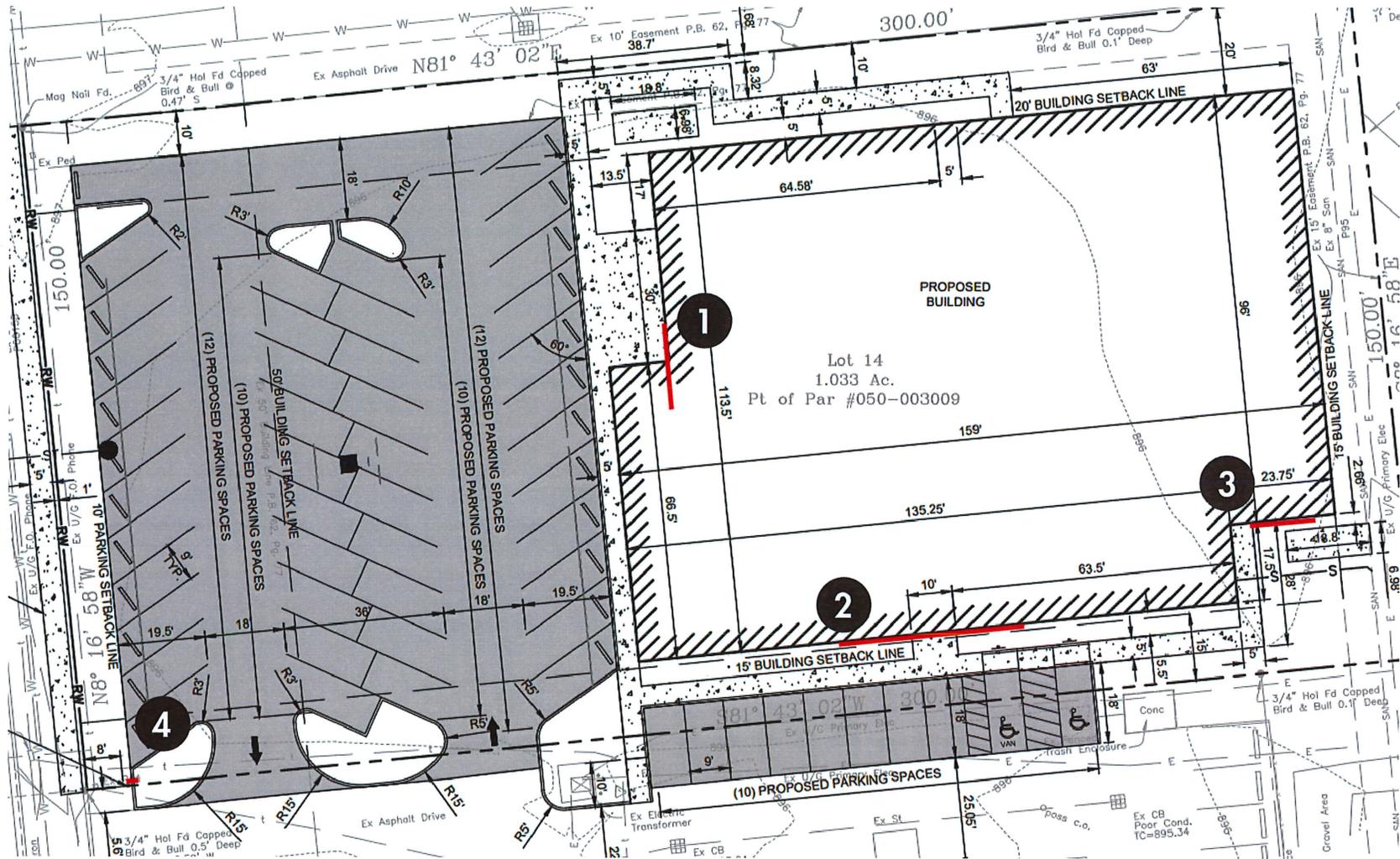
This sign is intended to be installed in accordance of article 600 of the National Electric Code and or other applicable local codes. This includes proper grounding and bonding of the sign.

Copy, colors, size, quantity

**APPROVAL:**

Client Signature: \_\_\_\_\_ Date: \_\_\_\_\_

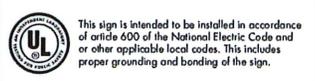
this design is the property of Morrison Sign Company, Inc and remains our property until sign is purchased. Design may be purchased for a sum of Two Hundred and Fifty dollars (\$250.00) and is protected by U.S. copyright law. Any attempt to reproduce this design or use by others for any purpose, without written consent is subject to prosecution to the fullest extent allowed by law.



Attachment: PZ-21-50-Plans (PZ-21-050 : Westwood Fieldhouse - 3932 Brown Park Drive)



Client: Westwood Collective Drawing Date: 11-04-21  
 Project: Westwood Fieldhouse Drawing #: 21-813 SP: JN D: AW



Copy, colors, size, quantity  
**APPROVAL:**  
 Client Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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STAFF REPORT  
PLANNING & ZONING COMMISSION  
DECEMBER 9, 2021

**CASE 3: PZ-21-052 – Zoning Code Amendment**

**Zoning Code Amendment**

**APPLICANT:** City of Hilliard, c/o John Talentino, 3800 Municipal Way, Hilliard, OH 43026.

**REQUEST:** Review & approval of a Zoning Code amendment to Chapter 1105 concerning definitions, Chapter 1111 concerning permitted uses in the business districts, and Section 1123.18 concerning standards for conditional uses.

**BACKGROUND:**

On October 27, 2014, Council adopted an ordinance (14-29) enacting a new Planning and Zoning Code and adopting a new Zoning Map. The applicant is requesting approval of a Zoning Code amendment concerning permitted uses in the business districts and Section 1123.18 concerning standards for conditional uses.

**COMMISSION ROLE:**

The Commission is to review the proposal and forward a recommendation to Council.

**STAFF RECOMMENDATION:**

Staff finds that the proposal is consistent with the purpose of the Zoning Code to promote the public health, safety, morals, comfort, and general welfare of the City and its residents. Based on this finding, staff recommends that the Commission forward a positive recommendation to Council concerning the proposed Zoning Code amendment.

**CONSIDERATIONS:**

Definitions

- Section 1105.04 - The proposal will add a definition for “Grocery Store.”
- Section 1105.10 – The proposal will add a definition for “Winery.”

Schedule of Uses

- Section 1111.02 – The proposal will move “Mail order business & fulfillment centers” from the Commercial Services section to the Accessory Uses section.
- Section 1111.02 - The proposal will add “Winery” as a permitted use in the B-4 zoning district.
- Section 1111.02 – The proposal will change “Medical & dental offices/clinics” from conditional uses to permitted uses in the B-3 and B-4 zoning districts.
- Section 1111.02 – The proposal will add “Dry cleaners and laundromats” and “Grocery Stores” as conditional uses in the B-4 zoning district.

- Section 1111.02 – The proposal will change “Health and fitness facilities” from a permitted use to a conditional use in the B-4 zoning district.
- Section 1111.02 – The proposal will remove the following uses from the schedule of uses in the B-3 and/or B-4 zoning districts:
  - 1) “Continuing care retirement community”
  - 2) “General retail businesses, 15,000 square feet UFA or more”
  - 3) “Hookah Lounge/Vapor Lounge”
- Section 1111.02 – Identifies the code section for specific conditions for the following conditional uses in the B-3 or B-4 zoning districts:
  - 1) Restaurants, including drive-thru and drive-in restaurants
  - 2) Dry cleaners and laundromats
  - 3) Health and fitness facilities
  - 4) Kennels
  - 5) Places of Public Worship
  - 6) Assembly and performance halls
  - 7) Clubs and lodges for fraternal organizations
  - 8) Community centers and senior centers
  - 9) Indoor commercial recreation such as movie theaters, bowling lanes and skating rinks
  - 10) Dwellings, attached single family
  - 11) Grocery stores
  - 12) Mail order business & fulfillment centers
- Section 1123.18(a) – The proposal adds conditions that will require drive-thru and drive-in restaurants to be attached as part of a larger principle use and not exceed 50 percent of the gross floor area of the building. The proposal prohibits lanes required for the use of drive-thru or drive-in facilities to be located between the principal structure and an adjacent frontage street.
- Section 1123.18(b) – The proposal will require dry cleaners and laundromats to be attached to a building with no more than 50 percent of the gross floor area of the principal use unless otherwise permitted as a conditional use.
- Section 1123.18(c) – The proposal will limit health and fitness facilities to a maximum of 10,000 square feet of gross floor area for a single tenant building or 25 percent of the gross floor area of the principal use.
- Section 1123.18(d) – The proposal will require all activities associated with kennels to be conducted indoors, and limits kennels to a maximum of 5,000 square feet unless otherwise permitted as a conditional use.
- Section 1123.18(e) – The proposal will limit places of public worship to a maximum of 20,000 square feet of gross floor area.
- Section 1123.18(f) – The proposal will limit assembly and performance halls, clubs and lodges, community and senior centers, and indoor commercial recreation uses to a

maximum of 10,000 square feet of gross floor area, or a maximum of 25 percent of the gross floor area of the principal use, unless otherwise permitted as a conditional use.

- Section 1123.18(g) – The proposal will prohibit ground floor residential uses along an adjacent principal frontage street. It also specifies architectural and parking standards.
- Section 1123.18(h) – The proposal will limit grocery stores to a maximum of 15,000 square feet of gross floor area for a single tenant building or 25 percent of the gross floor area of the principal use.
- Section 1123.18(i) – The proposal specifies development standards for utility substations.
- Section 1123.18(j) – The proposal will prohibit pavement between any vehicle service station building and the principal frontage street. It will require gas pumps to be located behind the main building and to be screened from view from the street.
- Section 1123.18(k) – The proposal will require mail order business and fulfillment centers to be attached as part of a larger principal use and limited to a maximum of 25 percent of the gross floor area of the principal use unless otherwise permitted as a conditional use.

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**1105.04 DEFINITIONS: E-F-G.**

*Grade, average.* The mean or midway point between the highest and lowest elevation of the ground abutting the existing or proposed location of each face of a building, wall or other area being measured. The measurement of average grade may include the following:

- (a) *Grade, finished.* The final grade of a site after grading, filling or excavating.
- (b) *Grade, natural.* The grade of a site that exists or existed prior to manmade alterations, such as grading, filling or excavating.

*Grocery Store.* Retail store primarily engaged in selling food and daily needed items.

(Ord. 14-29. Passed 10-27-14; Ord. 15-26. Passed 7-13-15; Res. 19-R-04. Passed 2-25-19; Ord. No. 21-09 , § 1(Exh. A), 3-22-21.)

## 1105.10 DEFINITIONS: V-W.

*Vapor Lounge.* Any facility or location whose business operation includes the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or vapor or fumes from any other organic or synthetic material, including but not limited to plants, herbs, or tobacco, through one or more electronic or battery operated delivery device (commonly referred to as electronic cigarette, e-cig, e-cigarette, e-pipe, hookah pen, vape pen, vape pipe). Also referred to as Vapor/Vape bar, Vapor/Vape café, Vapor/Vape Lounge.

*Variance.* A relaxation or modification of the requirements of this code permitted as a method of alleviating practical difficulty in meeting the minimum requirements of the code as authorized by the governing board or commission of the City.

*Vehicle.* Except as provided herein, every device, including trailers, in, upon or by which any person or property may be transported or drawn upon a street, highway, waterway, watercourse, roadway or path (whether paved or unpaved), except that "vehicle" does not include any motorized wheelchair, electric assistive mobility device, or any device that is moved by human power.

*Vehicle sales.* The sale or rental of new or used motor vehicles or trailers.

*Vehicle repair, major.* The repair, rebuilding or reconditioning of motor vehicles, trailers or parts thereof, including general repair, collision service, bodywork, welding, painting, steam cleaning, rebuilding, or reconditioning.

*Vehicle repair, minor.* General maintenance on vehicles such as oil changes and lubrication; servicing an repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of accessories such as tires, radios and air conditioners; wheel alignment and balancing; but excluding tire recapping or grooving or any major mechanical repairs, collision work, painting, or replacement or repair of any vehicle part that requires removal of the engine head or pan, and engine transmission.

*Vehicle service station.* Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and may also include minor vehicle repair; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

*Vehicle wash.* A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

*Vehicular use area.* Any area of a lot not located within an enclosed or partially enclosed building and that is devoted to a use by or for motor vehicles, including parking; storage of automobiles, trucks or other vehicles; gasoline stations; car washes; vehicle repair establishments; loading areas; and access drives and driveways.

*Veterinary hospital or clinic.* A building where care and treatment of animals, including household pets, is provided.

*Winery.* A structure with an emphasis on pedestrian-ordered retail sales and services and on-site tasting, which may include primary fruit processing or bulk fermentation.

*Wireless communication facility.* The plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services.

*Wireless communication tower.* Any structure, such as a mast, pole, monopole, guyed tower or lattice tower that is designed and constructed primarily for the purpose of supporting one or more antennas.

(Ord. 14-29. Passed 10-27-14; Ord. 16-17. Passed 5-9-16.)

PART ELEVEN - PLANNING AND ZONING CODE  
CHAPTER 1111 BUSINESS DISTRICTS

## CHAPTER 1111 BUSINESS DISTRICTS<sup>1</sup>

### 1111.01 PURPOSE.

- (a) *"B-1," Neighborhood Business District.* The purpose of the B-1 District is to permit those uses necessary to satisfy the basic day-to-day convenience shopping and/or service needs of persons residing in nearby residential areas. Allowed uses should be of a low intensity nature, appropriate in scale and appearance and compatible with the surrounding residential character. Businesses will ideally be served by common/shared parking, as well as integrated pedestrian access, and be located within an area of five acres or less. It is further the intent of this District to encourage the concentration of businesses in nodes and avoid strip development along major roads.
- (b) *"B-2," Community Business District.* The B-2, Community Business District, is characterized by more diversified and larger scale businesses than found in the B-1 District and serves a broader community-wide base. This District is intended to create attractive, cohesive commercial areas that take advantage of visibility and accessibility along major thoroughfares, while avoiding linear development patterns through creative site planning, shared access and cooperation between neighboring owners.
- (c) *"B-3," Office/Institutional District.* This District is intended primarily to accommodate corporate and professional offices, research facilities, philanthropic institutions and related uses. This is an employment district, not intended for most retail uses or other high traffic-generating activities. The B-3 District can serve as a buffer or transitional use between residential development and more intense commercial or industrial activities.
- (d) *"B-4," I-270 Corridor District.* Providing for intense, mixed-use, high quality development that combines office-related employment with residential, neighborhood retail and personal service opportunities is the purpose of the B-4 District. This District is located along the I-270 corridor and affords high visibility with excellent access. The scale of development is intended to be very urban, allowing taller buildings, greater residential density, parking structures and public spaces to be combined in ways that will make the District walkable, livable, vibrant and transit-friendly. Quality design and construction are to be emphasized.

(Ord. 14-29. Passed 10-27-14.)

### 1111.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1111-2 may be used for the purposes denoted by the following abbreviations:

- (a) *Permitted Use (P).* Land and/or buildings in this district may be used by right.
- (b) *Conditional Use (C).* Land and/or buildings in this district may be used if approval is granted, based on compliance with applicable review standards and specific conditions that may additionally apply, as found in Chapter 1123.
- (c) *Specific Conditions.* Indicates requirements or conditions applicable to conditional uses, as listed in Chapter 1123, Conditional Uses.

Table 1111-2 Schedule of Uses: Business Districts					
Use	B-1	B-2	B-3	B-4	Specific Conditions
<b>Commercial Services</b>					
Bicycle Fitting Studio		P	P		
Business machine sales/service		P	P		
Cleaning services		P			
Electric & plumbing supply sales/services		P			
Glass sales/service		P			
HVAC sales/service		P			
Locksmith shops		P			
Machinery & equipment sales/service		P			
<del>Mail order business &amp; fulfillment centers</del>			€	€	Section 1123.14(b)
Pest control services		P			
Petroleum product sales		C			
Printing, photocopy & publishing services		P	P		
Repair shops (not including vehicles)		P			
Tool & equipment rental (not including vehicles)		P			
<b>Construction</b>					
Building material and lumber supply (including lumber yards)		C			
Building material and lumber supply (not including lumber yards)		P			
Contractor's offices & shops		C			
Landscaping services		C			
<b>Education</b>					
Colleges		C	C	C	
Commercial schools & studios (including art, dance, martial arts and music)	P	P	P	P	
Elementary School	C	C	C	C	
Training centers (including corporate, engineering & sales)			P	P	
<b>Food, Drink, Entertainment &amp; Hospitality</b>					
Bars, taverns and restaurants serving alcoholic beverages	C	P	P	P	Section 1123.10(c)
Hotels & motels		P		P	
Microbrewery	C	C	P	P	Section 1123.10(a)
Restaurants less than 2,000 square feet of gross floor area, not including drive-in or drive-thru restaurants	P	P	P	P	
Restaurants equal to or greater than 2,000 square feet of gross floor area, not including drive-thru or drive-in restaurants	P	P	P	P	
Restaurants, including drive-thru and drive-in restaurants		C		C	Section 1123.10(b) and (c); Section 1123.18(a)
<b>Winery</b>				P	
<b>Health Care</b>					
Hospitals			C	C	

Medical & dental laboratories			P	P	
Medical & dental offices/clinics	P	P	<del>C</del> P	<del>C</del> P	
<b>Offices and Financial Services</b>					
Banks, credit unions and similar financial institutions, including drive-thru facilities	P	P	P	P	
Corporate offices			P	P	
Offices for executive, administrative, professional, real estate, accounting and similar professional activities	P	P	P	P	
Short-term lending establishments	C	C			
Data Centers			P	P	
<b>Personal Services</b>					
Day care, nursery schools & child care establishments	P	P	P	P	
Dry cleaners and laundromats	P	P		C	<a href="#">Section 1123.18(b)</a>
Health and fitness facilities		P	P	<del>P</del> C	<a href="#">Section 1123.18(c)</a>
Kennels		C		C	<a href="#">Section 1123.09(a)</a> & <a href="#">Section 1123.18 (d)</a>
Mortuaries and funeral homes		C	C		<a href="#">Section 1123.12(a)</a>
Personal services establishments such as but not limited to pet grooming and training, barber and beauty shops, tailors, photo studios, body art, nail salons and spas	P	P		P	
Pet day care and accessory services, not including overnight boarding	C	P		C	<a href="#">Section 1123.09(a)</a>
Veterinary clinics	P	P	P	P	<a href="#">Section 1123.12(c)</a>
<b>Public/Quasi-Public</b>					
Cemeteries	C	C	C	C	
Government offices, buildings & facilities	C	P	P	P	
Libraries	C	P	P	P	
Places of Public Worship	C	C	C	C	<a href="#">Section 1123.18(e)</a>
<b>Recreation and Leisure</b>					
Art galleries, museums and similar cultural facilities	P	P	P	P	
Assembly and performance halls		C	C	C	<a href="#">Section 1123.18(f)</a>
Clubs and lodges for fraternal organizations	C	C	C	C	<a href="#">Section 1123.18(f)</a>
Community centers and senior centers	C	C	C	C	<a href="#">Section 1123.18(f)</a>
Indoor commercial recreation such as movie theaters, bowling lanes and skating rinks		C		C	<a href="#">Section 1123.18(f)</a>
Outdoor commercial recreation such as mini-golf and batting cages		C			
<b>Research and Technical Facilities</b>					
Development and testing laboratories & facilities			P	P	
Scientific research facilities			P	P	
<b>Residential</b>					
<del>Continuing care retirement community</del>				<del>C</del>	
Dwellings, attached single family				C	<a href="#">Section 1123.18(g)</a>
Dwellings, multiple family		C		C	

Dwelling units on the upper floors of buildings with non-residential uses at street level	C	C		C	Section 1123.13(b)
<b>Retail</b>					
General retail businesses, less than 15,000 square feet usable floor area (UFA)	C	P		P	
General retail businesses, 15,000 square feet UFA or more	C	P		€	
<b>Grocery Stores</b>				C	<a href="#">Section 1123.18(h)</a>
Medical Marijuana Retail Dispensary		C		C	Section 1123.12(d)
<b>Transportation and Warehousing</b>					
Heliports and helipads		C	C	C	Section 1123.14(a)
Mini-warehouse/self-storage facilities					
Transit stations	C	C	C	C	
Wholesale businesses		C			
<b>Utilities</b>					
Essential services	P	P	P	P	
Radio, television and recording studios		P	P	P	
Solar panels	P	P	P	P	
Telephone exchange buildings/substation		C			
Utility and public service facilities not including outdoor storage		P	P		
Utility substations	C	C	C	C	<a href="#">Section 1123.18(i)</a>
Wireless communication facilities	C	C	C	C	Section 1123.15(b)
<b>Vehicle Sales, Service and Related Uses</b>					
Sales of new and used automobiles, trucks, recreational vehicles, construction equipment, farm implements and similar vehicles and equipment		C			Section 1123.16(b)
Sale of vehicle parts, not including installation and repair		P			
Truck, trailer and equipment rental		C			
Vehicle rental		C			
Vehicle repair, major		C			Section 1123.16(c)
Vehicle repair, minor		C			Section 1123.16(d)
Vehicle service stations		C		C	Section 1123.16(e) & <a href="#">Section 1123.18(j)</a>
Vehicle wash facilities		C			Section 1123.16(f)
<b>Accessory Uses</b>					
Accessory buildings, structures and uses	P	P	P	P	
Cafeteria facilities located within a principal use	P	P	P	P	
Child care facilities located within a principal use		P	P	P	
Corporate offices incidental to a principal use		P	P	P	
Drive-in or drive-thru facilities for pharmacies, dry cleaners or other businesses not specifically noted elsewhere	C	C			Section 1123.16(a)
Outdoor seating area accessory to a permitted restaurant, bar, tavern or club	P	P	P	P	
Outdoor storage accessory to a permitted principal use		C			Section 1123.17(c)

Mail order business & fulfillment centers			C	C	Section 1123.14(b)(5) & Section 1123.18(k)
<b>Other</b>					
Similar uses	P/C	P/C	P/C	P/C	Section 1121.06(h)
Hookah Lounge/Vapor Lounge	C	C	C	€	Section 1123.17(d)

(Ord. 14-29. Passed 10-27-14; Ord. 16-17. Passed 5-9-16; Res. 17-R-101. Passed 11-20-17; Res. 19-R-03. Passed 2-25-19; Ord. No. 20-12 , § 2(Exh. A), 4-27-20.)

PART ELEVEN - PLANNING AND ZONING CODE  
CHAPTER 1123 CONDITIONAL USES

## CHAPTER 1123 CONDITIONAL USES

### 1123.18 USE REQUIREMENTS—B-4, I-270 Corridor District.

The intent of Section 1123.18 is to establish specific standards and conditions for certain uses listed in Section 1111.02 for the B-4, I-270 Corridor District. Except as modified in this Section, all conditions and standards listed elsewhere in this Chapter shall be enforced, provided that, the standards and conditions listed in this Section govern and control in the event of any conflict or inconsistency with any standards or conditions listed elsewhere in this Chapter.

- (a) *Restaurants, including drive-thru and drive-in restaurants.*
  - (1) Drive-thru and drive-in restaurants shall be attached as part of a larger principle use and not exceed 50% of the gross floor area of the building.
  - (2) Lanes required for vehicle access to and waiting for use of drive-thru or drive-in are not permitted between the principal structure and an adjacent principal frontage street.
- (b) *Dry cleaners and laundromats.*
  - (1) Dry cleaners and laundromats shall be attached to a building or conditionally permitted as an accessory use.
  - (2) Dry cleaners or laundromats should be limited to no more than 50% of gross floor area of the principal use, unless otherwise permitted as a conditional use.
- (c) *Health and fitness facilities*
  - (1) To avoid large, single tenant uses that detract from the intent of the B-4, I-270 Corridor District, health and fitness facilities shall be limited to no more than 10,000 square feet of gross floor area for a single tenant building in the B-4, I-270 Corridor District.
  - (2) If part of a larger principal use, health and fitness facilities are limited to no more than 25% of gross floor area of the principal use, unless other permitted as a conditional use.
- (d) *Kennels.*
  - (1) All activities shall be conducted indoors. No outdoor animal exercise or activity areas shall be permitted.
  - (2) Kennels shall be limited to no more than 5,000 square feet of gross floor area in the B-4, I-270 Corridor District, unless otherwise permitted as a conditional use.
- (e) *Places of Public Worship.* Places of public worship structures shall be limited to no more than 20,000 square feet of gross floor area, not including associated parking structures.
- (f) *Recreation and Leisure.*
  - (1) To avoid large, single tenant uses that detract from the intent of the B-4, I-270 Corridor District, assembly and performance halls, clubs and lodges, community and senior centers, and indoor commercial recreation uses shall be limited to no more than 10,000 square feet of gross floor area for a single tenant building, unless otherwise permitted as a conditional use.
  - (2) If part of a larger principal use, health and fitness facilities are limited to no more than 25% of gross floor area of the principal use, unless other permitted as a conditional use.
- (g) *Dwellings, attached single family.*
  - (1) Ground floor residential uses are not permitted along an adjacent principal frontage street.

- (2) Residential buildings along an adjacent principal frontage street shall utilize a combination of facade modulation, differentiation of the base zone, and provision of such elements as display windows, balconies, arcades, and awnings at the base of the building.
  - (3) Parking for the residential use shall not be permitted between the principal structure and an adjacent principal frontage street.
  - (4) Parking lots for the residential use shall be buffered from all public street frontages with building, wall, fence, landscaping or mounding.
- (h) *Grocery Stores.*
- (1) Grocery stores shall be limited to no more than 15,000 square feet of gross floor area for a single tenant building.
  - (2) If part of a larger principal use, grocery stores are limited to no more than 25% of gross floor area of the principal use, unless other permitted as a conditional use.
- (i) *Utility substations.*
- (1) No storage yard shall be permitted in connection therewith.
  - (2) No building or structure shall be permitted within 15 feet of any residential or commercial use.
  - (3) All buildings and structures shall be completely surrounded by an opaque wall or fence no less than ten feet in height. All parts of such wall or fence shall be suitable landscaped and properly maintained.
- (j) *Vehicle Service Stations.*
- 1. The main building of the vehicle service station shall front the principal frontage street and there shall be no pavement between any portion of any building and the principal frontage street.
  - 2. All pumps shall be located behind the main building and cannot be positioned outside of the width of the main building. The gas pump canopy may exceed the width of the main building by not more than 20% and not more than 10% on either side of the main building.
  - 3. Where pumps are facing any street type, except for an alley or service street, any portion of the facility visible from the street shall be screened by landscaping.
- (k) *Mail order business & fulfillment centers.*
- (1) Mail order business & fulfillment centers shall be attached as part of a larger principal use..
  - (2) The use shall not exceed 25% of gross floor area of the principal use, unless otherwise permitted as a conditional use